219647



Gabriel S. Meyer
Assistant General Attorney

May 7, 2007

**VIA U.P.S. OVERNIGHT** 

Surface Transportation Board Section of Environmental Analysis 395 E Street, SW Washington, DC 20423

**Attention:** Victoria Rutson

Re: Proposed Discontinuance of the Loyalton Industrial Lead from Milepost 0.55 near East Portola to Milepost 11.62 near Loyalton and abandoment from Milepost 11.62 to Milepost 12.34 near Loyalton, a total distance of 11.79 miles in Plumas and Sierra Counties, California; STB Docket No.

AB-33 (Sub-No. 249X)

Dear Ms Rutson

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C F R '1105 7 and '1105 8, with a Certificate of Service, and a transmittal letter pursuant to 49 C F R '1105 11

Union Pacific anticipates filing a Notice of Exemption in this matter on or after June 7, 2007

Sincerely,

Gabriel S Meyer

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Enclosures

ENTERED
Office of Proceedings

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Part of Public Record

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### State Clearinghouse (or alternate):

Office of Planning and Research 1400 Tenth Street Sacramento, CA 95814

### State Environmental Protection Agency:

California Environmental Protection Agency 1001 I Street Sacramento, CA 95814

### State Coastal Zone Management Agency (If applicable)

California Coastal Commission 45 Fremont Street Suite 2000 San Francisco, CA 94105-2219

### **Head of each County:**

Plumas County Supervisors 520 Main Street, Room 309 County Courthouse Quincy, CA 95971-9115

Sierra County Supervisors P O Box D County Courthouse Downieville, CA 95936-0398

### Environmental Protection Agency (Regional Office).

U S Environmental Protection Agency Region 9 75 Hawthorne Street San Francisco, CA 94105

### **U.S Fish and Wildlife**:

U S Fish & Wildlife Service, Region 1 911 NE 11th Avenue Portland, OR 97232-4181

### **U.S. Army Corps of Engineers:**

U S Army Corps of Engineers, Sacramento District 1325 J Street Sacramento, CA 95814

### National Park Service.

National Park Service
Pacific West Region
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607

### **U.S. Natural Resources Conservation Service.**

State Conservationist
Natural Resource Conservation Service
430 G Street, #4164
Davis, CA 95616-4164

### **National Geodetic Survey:**

National Geodetic Survey
Edward J McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

### State Historic Preservation Office.

California Department of Parks and Recreation Office of Historic Preservation P O Box 942896 Sacramento, CA 94296-0001

### bcc w/ Enclosures

Ray Allamong, Mailstop 1350 Lynda Prucha, Mailstop 1580 Joe Bateman, Mailstop 1560 Richard Gooch, Mailstop 1690 Jill C Bazzell, Mailstop 1690

### BEFORE THE SURFACE TRANSPORTATION BOARD

Docket No AB-33 (Sub-No 249X)

UNION PACIFIC RAILROAD COMPANY
--- ABANDONMENT EXEMPTION -IN PLUMAS AND SIERRA COUNTIES, CALIFORNIA
(LOYALTON INDUSTRIAL LEAD)

Combined Environmental and Historic Report

JUN 2 8 2007

UNION PACIFIC RAILROAD COMPANY

Gabriel S Meyer Assistant General Attorney 1400 Douglas Street, Mail Stop 1580 Omaha, Nebraska 68179 (402) 544-1658 (402) 501-3393 FAX

Dated Filed

May 7, 2007 May 8, 2007

## BEFORE THE SURFACE TRANSPORTATION BOARD

Docket No AB-33 (Sub-No 249X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION -IN PLUMAS AND SIERRA COUNTIES, CALIFORNIA
(LOYALTON INDUSTRIAL LEAD)

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C F R § 1105 7(e) and 49 C F R § 1105 8(d), respectively, for a discontinuance of service on the Loyalton Industrial Lead from Milepost 0 55 near Hawley to Milepost 11 62 near Loyalton and an exempt abandonment from Milepost 11 62 to Milepost 12 34 near Loyalton, a total distance of 11 79 miles in Plumas and Sierra Counties, California (the "Line")

The Line traverses U S Postal Service Zip Codes 96118 and 96122 A Notice of Exemption to abandon the Lines pursuant to 49 C F R § 1152 50 (no local traffic for at least two years) will be filed on or after June 7, 2007

A map of the Line marked **Attachment No. 1** is attached hereto and hereby made a part hereof. UP's letter to federal, state and local government agencies is marked **Attachment No. 2**, and is attached hereto and hereby made a part hereof. Responses, if

any, received to UP's letter to date are attached and sequentially numbered as indicated below

### ENVIRONMENTAL REPORT 49 C F R § 1105 7(e)

(1) **Proposed action and alternatives** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project

Response: The proposed action involves the discontinuance of service on the Loyalton industrial Lead from Milepost 0 55 near Hawley to Milepost 11 62 near Loyalton and an exempt abandonment from Milepost 11 62 to Milepost 12 34 near Loyalton, a total distance of 11 79 miles in Plumas and Sierra Counties, California (the "Line")

The Line was constructed in 1901 by the Boca and Loyalton Railroad. It is currently comprised of 75-pound jointed rail laid in 1924, except for two short stretches (totaling approximately one quarter mile in length) of 100-pound jointed rail, laid in 1968.

After the proposed action, the closest rail service will be provided by the UP main line at Hawley, California, the junction point of the Line. The area is served by state highways - Route 49, generally a north-south route, goes through Loyalton and connects to Route 70 about ten miles north and Route 89 about 15 miles south Interstate 80, the region's major east-west highway, lies approximately 25 miles south of the 49 - 89 connection.

It appears the right-of-way proposed for discontinuance or abandonment

is not suitable for other public purposes including roads or highways, mass transportation, energy production or transmission, or recreation such as trail use. The Line lies in the City of Loyalton, which is already served by numerous local streets (one of which runs parallel and adjacent to the Line) and a state highway. The prospective sale of a significant portion of the right-of-way to the Line's former customer will assist in industrial redevelopment.

There are no shippers on the Line, and no commodities have originated or terminated on the Line for over two years. There is no overhead traffic over the Line. No complaints regarding cessation of service have been filed at the Board, are pending, or have been decided in favor of a complainant in the past two years. Based on information in the UP's possession, the Line contains no federally granted right-or-way and none of the adjacent property is reversionary. Any documentation in UP's possession will be made available promptly to those requesting it

A map of the Line is attached hereto as Attachment No. 1.

(2) Transportation System Describe the effects of the proposed action on regional or local transportation systems and patterns Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action

**Response:** There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes

### (3) Land Use

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies

- (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land
- (III) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C F R § 1105 9
- (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U S C § 10905 and explain why

### Response:

- (i) UP is unaware of any adverse effects on local and existing land use plans. The Plumas and Sierrra County Supervisors' Offices have been contacted. To date UP has received no response from either office.
- (ii) The Natural Resource Conservation Service has been contacted To date UP has received no response
- (III) Not Applicable
- (iv) The property proposed for abandonment is not suitable for public purposes such as roads, highways, or other forms of mass transportation, conservation, energy production or transmission, or recreation because there is a fully developed grid of public streets surrounding the right-of-way and no additional streets are needed. The area is also adequately served by public utilities.

### (4) Energy

- (i) Describe the effect of the proposed action on transportation of energy resources
- (ii) Describe the effect of the proposed action on recyclable commodities

- (III) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why
- (iv) If the proposed action will cause diversions from rail to motor carriage of more than
  - (A) 1,000 rail carloads a year, or
  - (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given

Response: (i) There are no effects on the transportation of energy resources in view of the absence of rail shipments on the Line

- (II) There are no recyclable commodities moved over the Line
- (III) There will be no change in energy consumption from the proposed action
- (iv)(A)(B) There will be no rail-to-motor diversion
- (5) Air. (i) If the proposed action will result in either
  - (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
  - (B) an increase in rail yard activity of at least 100% (measured by carload activity), or
  - (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. §10901 (or §10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§(5)(i)(A) will apply

Response: There is no such effect anticipated

- (5) Air. (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either
  - (A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or
  - (B) an increase in rail yard activity of at least 20% (measured by carload activity), or
  - (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan However, for a rail construction under 49 U S C §10901 (or 49 U S C §10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action

(5) Air. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify the materials and quantity, the frequency of service, safety practices (including any speed restrictions), the applicant's safety record (to the extent available) on derailments, accidents and spills, contingency plans to deal with accidental spills, and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment

Response: The proposed action will not affect the transportation of ozone depleting materials

- (6) Noise If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause
  - (i) an incremental increase in noise levels of three decibels. Ldn or more or

(II) an increase to a noise level of 65 decibels Ldn or greater If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed

Response: Not applicable

### (7) Safety

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings)
- (ii) If hazardous materials are expected to be transported, identify the materials and quantity, the frequency of service, whether chemicals are being transported that, if mixed, could react to form more hazardous compounds, safety practices (including any speed restrictions), the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills, the contingency plans to deal with accidental spills, and the likelihood of an accidental release of hazardous materials
- (III) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved

- Response: (i) The proposed action will have no detrimental effects on public health and safety
  - (II) The proposed action will not affect the transportation of hazardous materials
  - (III) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way

### (8) Biological resources

- (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.
- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects

Response: (i) The U S Fish and Wildlife Service has been contacted. To date UP has received no response

(ii) The National Park Service has been contacted To date UP has received no response

### (9) Water

- (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards Describe any inconsistencies
- (ii) Based on consultation with the U S Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U S C § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects
- (III) State whether permits under Section 402 of the Clean Water Act (33 U S C § 1342) are required for the proposed action (Applicants should contact the U S Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required)

Response: (i) The U S Environmental Protection Agency Regional Office has been contacted. To date, UP has received no response

(II) The U S Army Corps of Engineers has been contacted To date, UP has received no response

(III) It is not anticipated that there will be any requirements for Section 402 permits

(10) Proposed Mitigation Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate

**Response**: There are no known adverse environmental impacts

### HISTORIC REPORT 49 C F R § 1105 8(d)

(1) A U S G S topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action

Response: See Attachment No. 1

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area

Response: The right-of-way runs through the City of Loyalton and ends adjacent to a former lumber mill. The right-of-way varies in width from 80 to 100 feet.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area

**Response**: There are no structures over fifty (50) years in age affected by the proposed abandonment

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known

Response: Not applicable

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action

Response: See UP's response to question (1) in the environmental Report for a brief history and description. The Line has been out of service for over two years

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic

Response: Not Applicable

(7) An opinion (based on readily available information in the UP's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C F R § 60 4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities)

Response: At this time, UP knows of no historic sites or structures or archeological resources in the project area. The California Office of Historical Preservation has been contacted. To date UP has received no response

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain

Response: UP does not have any such readily available information

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrallroad owned properties or groups of properties immediately adjacent to the railroad right-of-way Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American)

Response: Not applicable

Dated this 7<sup>th</sup> day of May, 2007

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

Gabriel S Meyer, Assistant General Attorney
1400 Douglas Street, Mail Stop 1580

Omaha, Nebraska 68179 (402) 544-1658

(402) 501-3393 FAX

# CERTIFICATE OF SERVICE OF THE COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined

Environmental and Historic Report in Docket No AB-33 (Sub-No 249X), the Loyalton Industrial Lead in Plumas and Sierra Counties, California was served by first class mail on the 7<sup>th</sup> day of May 2007 on the following

### State Clearinghouse (or alternate):

Office of Planning and Research 1400 Tenth Street Sacramento, CA 95814

#### State Environmental Protection Agency:

California Environmental Protection Agency 1001 I Street Sacramento, CA 95814

### <u>State Coastal Zone Management Agency</u> (if applicable).

California Coastal Commission 45 Fremont Street Suite 2000 San Francisco, CA 94105-2219

### **Head of each County:**

Plumas County Supervisors 520 Main Street, Room 309 County Courthouse Quincy, CA 95971-9115

Sierra County Supervisors P O Box D County Courthouse Downleville, CA 95936-0398

### Environmental Protection Agency (Regional Office):

U S Environmental Protection Agency Region 9 75 Hawthorne Street San Francisco, CA 94105

### U.S. Fish and Wildlife.

U S Fish & Wildlife Service, Region 1 911 NE 11th Avenue Portland, OR 97232-4181

### **U.S. Army Corps of Engineers**<sup>1</sup>

U S Army Corps of Engineers, Sacramento District 1325 J Street Sacramento, CA 95814

#### National Park Service.

National Park Service
Pacific West Region
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607

### **U.S. Natural Resources Conservation Service**

State Conservationist
Natural Resource Conservation Service
430 G Street, #4164
Davis, CA 95616-4164

### National Geodetic Survey.

National Geodetic Survey
Edward J McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

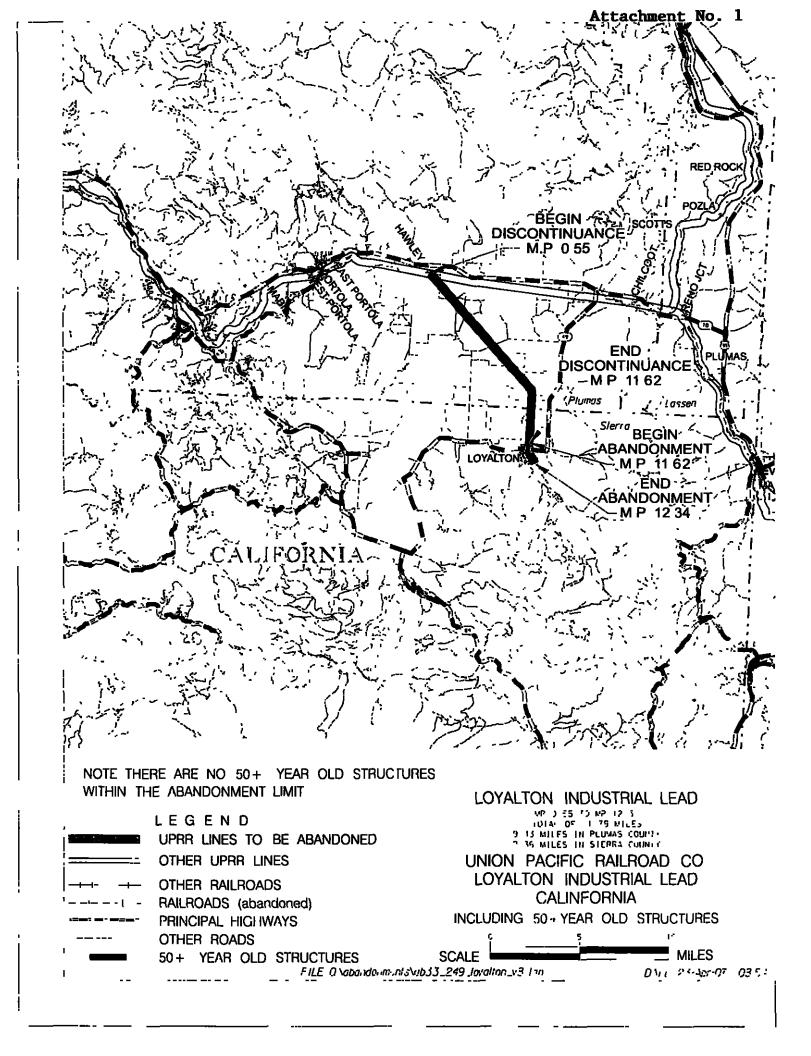
### **State Historic Preservation Office:**

California Department of Parks and Recreation Office of Historic Preservation P O Box 942896 Sacramento, CA 94296-0001

Dated this 7th day of May, 2007

Gabriel S. Meyer

O \Abandonments\33-249X\EHR





(402) 501-0127 (FAX)

### **December 13, 2006**

### State Clearinghouse (or alternate)

Office of Planning and Research 1400 Tenth Street Sacramento, CA 95814

### State Environmental Protection Agency:

California Environmental Protection Agency 1001 I Street Sacramento, CA 95814

### State Coastal Zone Management Agency (If applicable)

California Coastal Commission 45 Fremont Street Suite 2000 San Francisco, CA 94105-2219

### **Head of each County**

Plumas County Supervisors 520 Main Street, Room 309 County Courthouse Quincy, CA 95971-9115

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### **State Historic Preservation Office**

California Department of Parks and Recreation Office of Historic Preservation P O Box 942896 Sacramento, CA 94296-0001

Re Proposed Discontinuance of the Loyalton Industrial Lead from Milepost 0 55 near East Portola to Milepost 11 62 near Loyalton and abandoment from Milepost 11 62 to Milepost 12 34 near Loyalton, a total distance of 11 79 miles in Plumas and Sierra Counties, California, STB Docket No AB-33 (Sub-No 249X)

### **[ aw Department**

UNION PACIFIC RAILROAD 1400 Douglas St., Stop 1580, Onialia, NF 68179-1580 fc (402) 501-0127

### Dear Sirs

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to discontinue service on the Loyalton Industrial Lead from Milepost 0.55 near East Portola to Milepost 11.62 near Loyalton and abandon Milepost 11.62 to Milepost 12.34 near Loyalton, a total distance of 11.79 miles in Plumas and Sierra Counties, California A map of the proposed track abandonment shown in black is attached

Pursuant to the STB's regulations at 49 C F R Part 1152, and the environmental regulations at 40 C F R Part 1105 7, this is to again request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB

LOCAL AND/OR REGIONAL PLANNING AGENCIES State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies

- <u>U S SOIL CONSERVATION SERVICE</u> State the effect of the proposed action on any prime agricultural land
- <u>U S FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed)</u> State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects

STATE WATER QUALITY OFFICIALS State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies

- <u>U S ARMY CORPS OF ENGINEERS</u> State (1) whether permits under Section 404 of the Clean Water Act (33 U S C § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected Describe the effects
- U S ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY) (1) Identify any potential effects on the surrounding area, (2) Identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U S C § 1342) are required for the proposed action

Thank you for your assistance Please send your reply to Union Pacific Railroad, Mr Chuck Saylors, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179 If you need further information, please contact me at (402) 544-4861

Yours truly,

Charles W. Surfacts
Charles W Saylors

**Attachment** 

